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June 12, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street NW, Room 222
Washington, D.C. 20554

VIA UPS OVERNIGHT SERVICE

RE: Petition for Reconsideration
MM Docket No. 87-268
In the Matter of Advanced Television Systems and their
Impact Upon the Existing Television Broadcast Service

RECEIVED
JUN 13 1997
FCC TELECOM

Dear Mr. Caton:

There is transmitted herewith on behalf of Sierra Broadcasting Company, the licensee of KRNV-TV (NTSC Channel 4), Reno, Nevada, its Petition for Reconsideration of the *Sixth Report and Order* (FCC 97-115) adopted April 3, 1997, released April 21, 1997, adopting the DTV Table of Allotments.

An extra copy of this transmittal letter, together with an extra copy of the first page of the Petition, is enclosed, along with a pre-addressed, stamped envelope. Please confirm your receipt of the filing of this Petition for Reconsideration by date-stamping the extra copy of this transmittal letter and returning it to the undersigned counsel.

Should additional information be desired, please contact the undersigned counsel.

Respectfully submitted,

SIERRA BROADCASTING COMPANY

By J. Dominic Monahan
J. Dominic Monahan, Its Counsel

JDM/jb
Enclosures

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ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

JUN 13 1997

FCC MAIL ROOM

To: The Commission

PETITION FOR RECONSIDERATION

Pursuant to Section 1.429 of the Commission's Rules, Sierra Broadcasting Company, ("Sierra"), the licensee of Television Station KRNV-TV (NTSC Channel 4), Reno, Nevada, respectfully submits its Petition for Reconsideration of the *Sixth Report and Order* (FCC 97-115) adopted April 3, 1997 and released April 21, 1997, by the Federal Communications Commission in the above-referenced Digital Television proceeding, which established the DTV Table of Allotments. The *Order* was published in the *Federal Register*, dated May 14, 1997. In support, the following is shown:

Background Statement

Station KRNV-TV is a NBC affiliate licensed to Reno, Nevada, the 119th ranked market in the country. The station has been operational since September 30, 1962, and is licensed to operate with an effective radiated power of 100 Kw and a height above average terrain of some 168.3 meters.

Reno, a city of 157,090 persons, is located on the eastern edge of the Sierra Nevada Mountains at an elevation of almost 5000 feet. It serves as the principal commercial hub of Northern Nevada and the county seat of Washoe County, a county of some 306,010 persons (Nevada Department of Taxation, 1996). As a television market (DMA) Reno is comprised of some 209,060 households. Six other full service television stations are licensed to Reno, including five commercial facilities and one non-commercial station. These include:

Station KTVN, Ch. 2

Station KRXI, Ch. 11

Station KNPB*, Ch. 5

Station KAME, Ch. 21

Station KOLO, Ch. 8

Station KREN, Ch. 27

At the present time, Station KRNVT-TV provides Grade B service or better to a seven-county area in Nevada, as well as parts of seven counties in northeastern California (see Attachment A). Pursuant to the newly adopted rules announced in the *Fifth Report and Order* in MM Docket 87-268, adopted April 3, 1997, released April 21, 1997, Station KRNVT-TV is obligated to construct a new DTV facility in Reno by May 1, 2002. By April 1, 2003, Station KRNVT-TV must simulcast 50% of its NTSC programming over its DTV channel. Thereafter, by April 1, 2005, the DTV operation must simulcast 100% of the programming being carried over its NTSC channel. In 2006, Station KRNVT-TV must cease broadcasting its analog television service and elect as which of its two authorized channels to retain for continued operation as a DTV facility.

In the DTV Table of Allotments adopted in the Commission's *Sixth Report and Order*, Station KRNV-TV has been allotted the use of Channel 33 for its proposed DTV operation. Each of the other television stations in the Reno market has also been assigned a new DTV channel. See page B-31 of Table 1, attached to the *Sixth Report and Order*.

**The Allocation of DTV Channel 33
is Contrary to the Commission's Basic Allocation
Standards and the Public Interest Standard**

The principal allocation standard adopted by the Commission for the assignment of DTV channels is to adhere to a "service replication/maximization concept" in order to "...allow all existing broadcasters to provide DTV service to a geographic area that is comparable to their existing NTSC service area." See paragraph 12 of the *Sixth Report and Order*. In adopting the *Sixth Report and Order*, the Commission reaffirmed its service replication concept because it would ensure that broadcasters retain the ability to reach the audiences that they now serve and that viewers would continue to have access to the stations they now receive over the air.

In applying this "service replication" concept, the Commission has also adopted a same-site criterion, *i.e.*, the allocation of the DTV channel presumes operation at the existing site of the station's NTSC operation, or a site within 3 miles of that existing site. Sierra recognizes the need for a certain degree of certainty in order to achieve a nationwide DTV allocation scheme. But in this instance, the "common site" requirement is in direct conflict with the Commission's principal goal of "service replication." In fact, if the "same site" allocation requirement is rigidly applied to KRNV-TV, the station will simply not

survive the nine-year transition to the new digital era, either as an NTSC station (Channel 4) or a DTV station (Channel 33). This is abundantly clear when the two coverage maps attached hereto as Attachments A and B are considered. Those maps graphically demonstrate the impact terrain loss and interference from NTSC and DTV operations will have on both modes of operation by Station KRNVT-TV. Even the casual observer can see that terrain shielding and resulting signal attenuation already reduce KRNVT-TV's Grade B coverage by some 50%. But DTV coverage on Channel 33 is an unmitigated disaster, providing Station KRNVT-TV with less than 20% of its originally projected Grade B coverage as an NTSC station.

Service Area Loss: Apart from the coverage loss so dramatically shown in Attachments A and B, the FCC's own comparative analysis between the existing NTSC coverage of Station KRNVT-TV on Channel 4 and the proposed DTV service on Channel 33, makes clear that Station KRNVT-TV's existing service area will be slashed by more than 40% from 18,649 square kilometers to 11,130 square kilometers. This reduction of KRNVT-TV's primary coverage to only 59.4% of its original NTSC service area will create the single greatest loss of existing service by any television station in the United States. No other station in the country even comes close.¹ The severity of this loss to Station KRNVT-TV and its viewing public has absolutely no public interest justification and mandates that the Commission reconsider its approach in selecting a DTV channel for Station KRNVT-TV.

¹The station with the next greatest loss is also licensed to Reno, Nevada. However that station, non-commercial Station KNPB-TV (Channel 5) would have its geographic area reduced only to 73.4%.

Population Loss: In addition to the massive loss of primary coverage area, the use of DTV Channel 33 would cause Station KRNV-TV to lose some 110,000 of its present viewership, or a reduction of some 28%. Although other television stations in the Reno market will lose significant service if the DTV Allocation Table becomes final, no other station will suffer the degree of viewer loss and area as Station KRNV-TV.

As the Commission is well aware, the ability to reach its viewing audience is essential to maintaining the economic viability of a television station. Here, the Commission has allocated a DTV channel on the general allocation principal it will provide replicated service and ensure that existing stations will be able to provide DTV service competitively within its market. See § 30 at Id. Notwithstanding, the reality is that the allocation of DTV Channel 33 for use by KRNV-TV will eviscerate the ability of the station to compete or operate. In today's competitive television marketplace, a station cannot survive when its coverage area and audience are slashed by 40% and 30% respectively. It is tantamount to an economic death blow which will result in the loss of a long-established programming service to the viewers of Northern Nevada and the substantial economic investment of the petitioner. In short, if KRNV-TV must utilize DTV Channel 33, using its present location, HAAT and ERP, the Station will not survive the transition to digital television.

**The Egregious Loss of Service Area and
Population are Facts Which Must Be
Addressed by the Commission Under the Public Interest Standard**

No other television station in the United States will be as gravely affected by DTV channel allotted to it as Station KRNV-TV. No station can absorb a 40% reduction in

service area and a 28% cut in audience and survive. Nor should a viewing public of some 400,000 persons be arbitrarily be asked to accept the loss of a station which has been providing regular program service, including extensive local news and public service, for some thirty five years. Basic fairness and the public interest standard weigh heavily against such an irrational result.

**Sierra Should be Allowed to Supplement
Its Petition for Reconsideration to Present
Additional Information as to Alternative
Solutions to the Problems Posed to KRNV-TV**

Section 1.429(d) of the Commission's Rules prohibits supplemental filings to a petition for reconsideration except upon separate grounds. Given the circumstances set forth herein, Sierra submits that abundant grounds exist to allow the filing of supplemental information to alleviate the harsh result which will otherwise result if Station KRNV-TV is not afforded relief from the proposed assignment of DTV Channel 33. Toward this end Sierra has already undertaken preliminary discussions with engineering counsel in an effort to develop a technical proposal which will avoid the proposed reduction in coverage stemming from the DTV allotment on Channel 33. Initially the most promising solution is a proposal to relocate the KRNV-TV transmitter site to a higher elevation using increased power. However, an examination of the terrain within three miles of the present site indicates that a site within this area will not provide any significant improvement in replicated coverage. Accordingly, a relocation beyond the three mile limit set forth in the *Sixth Report and Order* will most likely be required.

But Sierra is unable at the present time to develop a site relocation proposal because of the uncertainties about the methodology used by the Commission to develop the DTV allocation and assignment standards. This problem is further compounded by the fact that the consulting engineering community has not had sufficient time to obtain the hardware and software necessary to model and program facility changes.

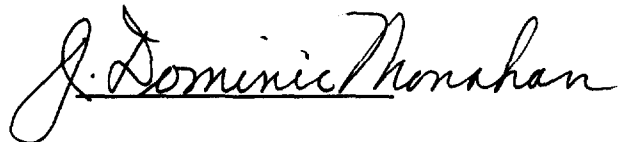
Another obstacle to be overcome is the absence of data from the Commission necessary to calculate DTV interference. Specifically, Sierra is referring to OET Bulletin No. 69, which will provide guidelines for the calculating DTV interference but which has yet to be released by the Commission. Sierra submits that once the above information and technical capability is available Sierra should be allowed sixty (60) days in which to supplement this petition and to submit an appropriate application to modify its presently authorized facilities and to seek an alternative DTV proposal if necessary.

Sierra submits that the rationale set forth by the Commission in the *Sixth Report and Order* provides sufficient basis to grant such relief. Therein, the Commission stated it would provide as much flexibility as possible with regard to changes in transmitter sites, provided such relocations would not increase interference. However, without full information as to the DTV methodology and interference standards, such a proposal simply cannot be developed at this time. Regardless, Sierra wishes to formally apprise the Commission that it has already arranged for the preparation of a modification of its facilities, *i.e.* an alternative transmitter, as soon as complete information on the DTV allotment methodology and interference standards are available.

In the meantime, Sierra respectfully requests that the Commission reconsider and stay its allotment and assignment of DTV Channel 33 to Station KRNVT-TV, Reno, Nevada, and the underlying standards utilized to compute the permissible power level and transmitter site specifications in order that Station KRNVT-TV be allowed time to develop a proposal for an alternative transmitter site from which to conduct its operations.

Respectfully submitted,

SIERRA BROADCASTING COMPANY

A handwritten signature in cursive script, reading "J. Dominic Monahan". The signature is written in dark ink and is positioned above the printed name.

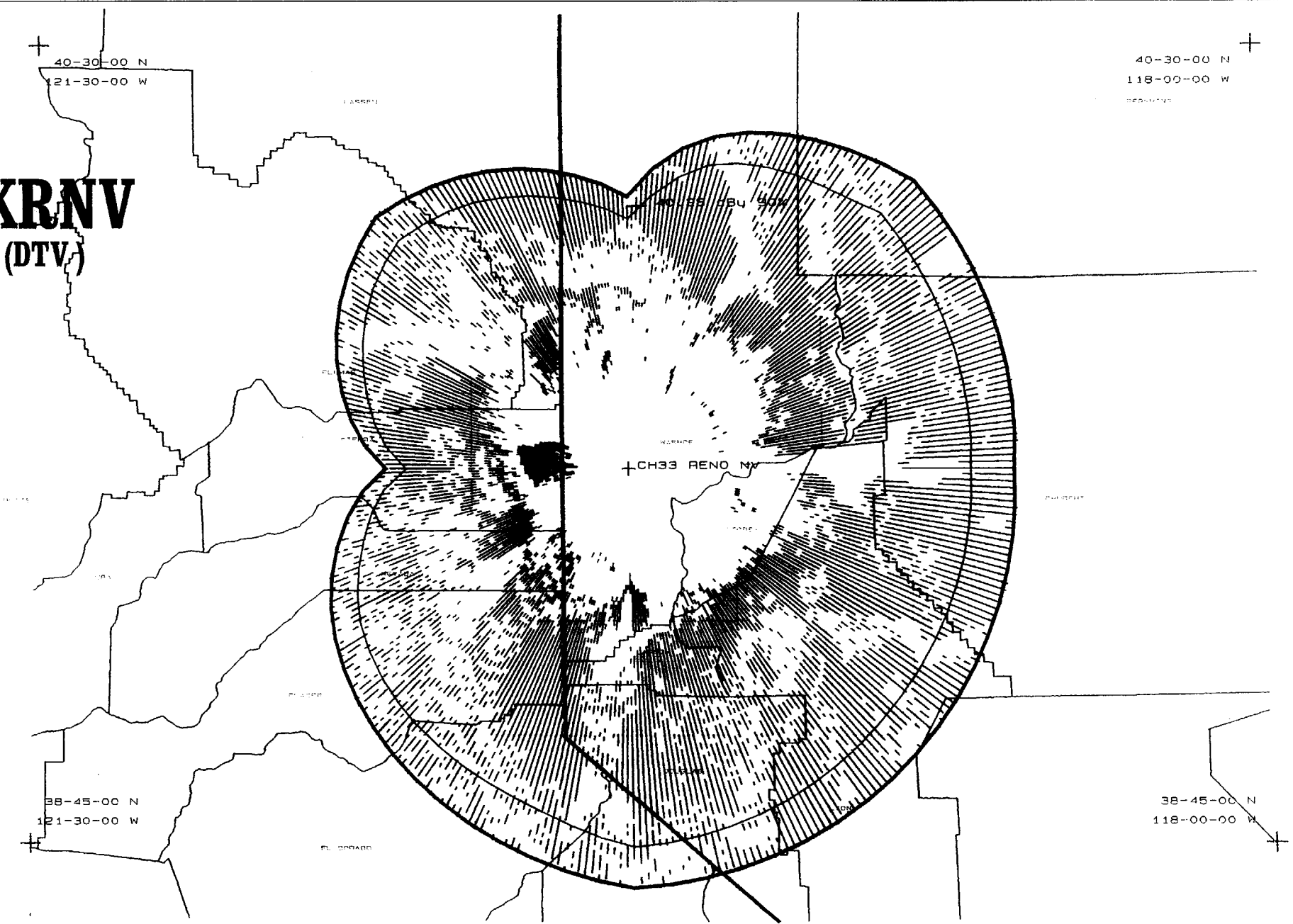
J. DOMINIC MONAHAN

June 12, 1997

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541-484-9292

KRNV
(DTV)



Terrain loss - Red, Interference NTSC - Blue, DTV - Green

KRNV-DTV Ch. 33 ERP 1000.0 HAAT 168.3

RENO NV Dir. Ant. NONE



MAJOR DIVISIONS ARE: 10.0 KM
SCALE IS: 31.59 KM/INCH
19.63 MILES/INCH

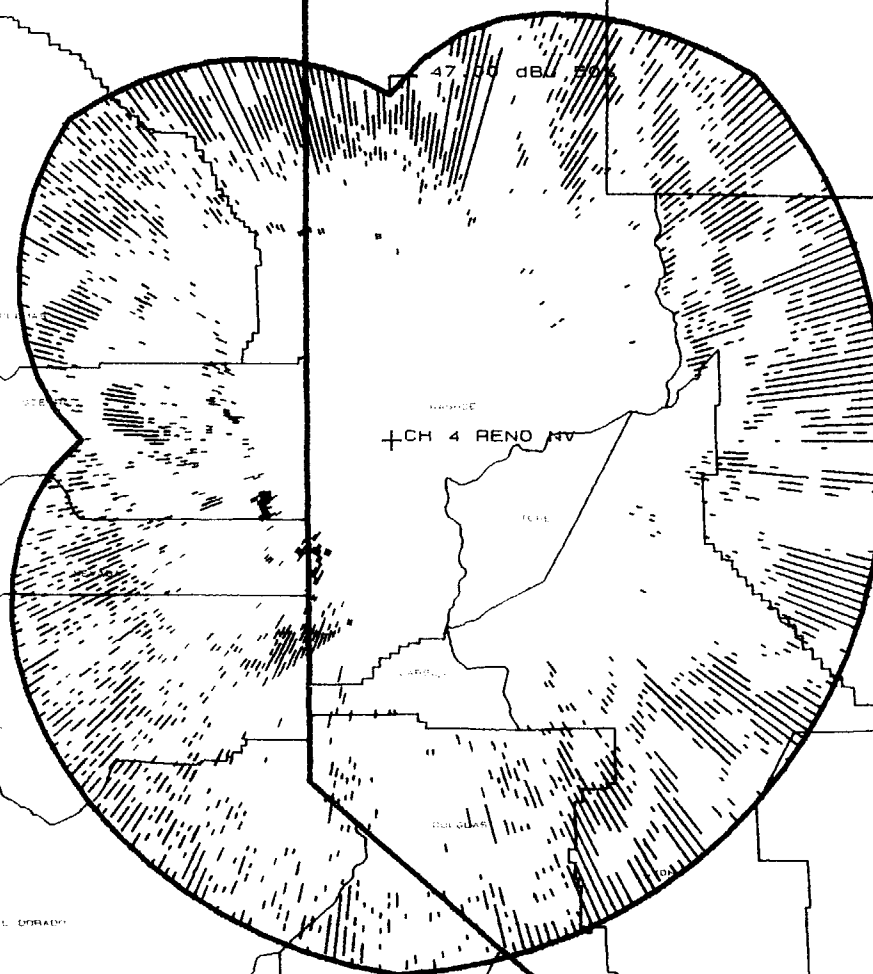
KRNV
(NTSC)

40-30-00 N
121-45-00 W

40-30-00 N
117-45-00 W

38-30-00 N
121-45-00 W

38-30-00 N
117-45-00 W



Terrain loss - Red, Interference NTSC - Green, DTV - Blue

KRNV-NTSC Ch. 4 ERP 100.0 HAAT 168.3

RENO NV Dir. Ant. NONE



MAJOR DIVISIONS ARE: 10.0 KM

SCALE IS: 35.00 KM/INCH

21.75 MILES/INCH